

Birkhölzer et al.
Appl. No.: 09/762,837

REMARKS

Claim Status

Claims 13 - 15 and 17 - 35 are currently pending. Independent Claim 13 has been amended. No new matter has been added.

Claim Rejections – 35 USC §103

The Examiner has maintained the rejection of Claims 13 – 15, 17 – 24 and 27 – 35 under 35 USC §103 as being unpatentable over Burns (U.S. Patent No. 5,904,484) in view of Baker (U.S. Patent No. 5,486,001). Further, the Examiner has maintained the rejection of Claims 25 and 26 under 35 USC §103 as being unpatentable over Burns in view of Baker and further in view of Uekane (U.S. Patent No. 5,559,554). These rejections were traversed in response to the previous Office Action. The Examiner considered the arguments presented by Applicant, but found them unconvincing. For the reasons set forth below, Applicant traverses the maintained rejections and respectfully requests reconsideration and withdrawal of the maintained rejections.

Examiner's Arguments

The Examiner asserts that Burns discloses all features of independent Claim 13 with the exception of an insertion component that is configured to automatically adapt the movement speed of the moving marker. The Examiner, therefore, cites Baker as disclosing an insertion component that automatically adapts the movement speed of the moving marker. The Examiner concludes that it would have been obvious to modify the manual speed control of the marker described in Burns, by automatically adapting the movement speed of the moving marker in light of the teaching of Baker.

Applicant again respectfully disagrees with the Examiner's assertions and conclusion. To avoid repetition, Applicant herewith incorporates by reference the arguments regarding the asserted manual vs. automatic distinction submitted by Applicant in response to the previous Office Action.

In addition, Applicant submits that Burns not only fails to disclose or suggest automatically adapting the movement speed, as defined in Claim 13, but fails to disclose or suggest other features of Claim 13, as set forth hereinafter.

Birkhölzer *et al.*
Appl. No.: 09/762,837

Burns fails to disclose or suggest an insertion component that adapts the movement speed of a marker to a live image based on a detection of, e.g., points of a person monitoring its own movement

Burns discloses that a live image of a student and a stored motion template of an instructor are overlaid (col. 2, line 43 to col. 3, line 65). By overlaying the live image and the template, however, no adaptation whatsoever occurs to the student's live image based on a detection result which underlies the detection of the characteristic points, lines or outlines of the person shown in the recorded video, i.e., the person monitoring his or her own movements.

Burns refers to cues (col. 3, lines 60 – 65). However, the cues are merely to facilitate the alignment of the student relative to the camera. The cues are not used for any adaptation, nor are these cues characteristic points, lines or outlines of the person, as defined in Claim 13. In fact, Burns specifically states that the cues do not relate to the live image of the student, but to the motion template of the instructor (col. 5, lines 43 – 51).

Burns fails to disclose or suggest an insertion component that detects, e.g., characteristic points

Burns discloses placing reference markers to ensure a correct alignment of the student's live image to the instructor's motion template (col. 11, lines 2 – 4). However, placing the reference markers is not a detection of characteristic points, lines or outlines of a person with the aim of adapting the marking on the basis of a detection result, as defined in Claim 13.

Furthermore, Applicant submits that the method disclosed in Burns relates to adapting the size of the image of the student to the motion template of the instructor (col. 7, line 66 to col. 8, line 4). Again, such an adaptation is neither effected automatically nor on the basis of a detection result obtained from a detection process, but by adapting the image scales with computer graphics methods, for example using commercially-available software.

Birkhölzer *et al.*
Appl. No.: 09/762,837

Hence, in contrast to the Examiner's opinion, Burns does not detect characteristic points, lines or outlines of the person monitoring itself, i.e. the student, with the aim of adapting the marking, i.e. of the motion template, on the basis of the detection result.

Baker fails to disclose or suggest an insertion component that automatically adapts the movement speed of a marker

Baker discloses a computer that is programmed to compare the swings of the person being analyzed and the selected preferred swing (col. 7, lines 44 – 47). Baker, however, discloses further that adjustments need to be made such as for size of the person and speed of the person's swing (col. 7, lines 47 – 49). Accordingly, Baker does not disclose or suggest an automatic adaptation as defined in Claim 13.

Baker fails to disclose or suggest an insertion component that inserts a moving marker and detects, e.g., characteristic points

Baker discloses a method that obtains initial visual image signals from a person making a movement. The image signals are compared to stored preferred image signals of a reference movement in order to obtain from the initial visual image signals on the basis of the comparison regenerated visual secondary image signals which are demonstrated to the person so as to make it easier for them to imitate the reference movement (col. 2, lines 35 – 45). This method, however, does not disclose or suggest inserting a moving marker or detecting characteristic points, lines or outlines of the person to be monitored to adapt the moving marker on the basis of a detection result as defined in Claim 13.

Burns and Baker do not disclose or suggest the claimed subject matter

In view of the above differences between the subject matter of Claim 13 and the cited references, and for the reasons set forth in response to the previous Office Action, Applicant respectfully submits that a combination of Burns and Baker does not disclose or suggest each and every limitation recited in Claim 13. For instance, Burns and Baker both fail to disclose or to suggest detecting characteristic points, lines or outlines of the

Birkhölzer *et al.*
Appl. No.: 09/762,837

self-monitoring person. As a consequence, Burns and Baker fail to disclose or to suggest an automatic adaptation of the moving marker based on a detection result.

Applicant respectfully requests the Examiner to reconsider and to withdraw the rejection of Claim 13 and to pass Claim 13 to allowance. Applicant notes that the rejections of dependent Claims 14, 15 and 17 – 35 have been addressed in detail in response to the previous Office Action. For these reasons and because Claims 14, 15 and 17 – 35 depend from Claim 13 that is believed to be allowable, Claims 14, 15 and 17 – 35 are believed to be allowable. Applicant respectfully requests the Examiner to reconsider and to withdraw the rejections of Claim 14, 15 and 17 – 35 and to pass Claims 14, 15 and 17 – 35 to allowance.


Birkhölzer *et al.*
Appl. No.: 09/762,837

CONCLUSION

A full and complete response to the outstanding Office Action is believed to have been made. This response is believed to place the application in condition for allowance and such allowance is respectfully requested. No new matter has been added. The Examiner is invited to contact the undersigned at jacob.eisenberg@siemens.com for any reason.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 1998P03666WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: 11/18/2004
SIEMENS SCHWEIZ
Intellectual Property
IP, I-44
Albisriederstrasse 245
CH-8047 Zürich, Switzerland
Tel: +41 (0) 585 583 295
Fax: +41 (0) 585 583 228


Jacob Eisenberg
Attorney for Applicant
Registration No. 43,410
Customer No.: 28204